

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YESENIA GUITRON; and JUDI KLOSEK,

No. C 10-3461 CW

Plaintiffs,

ORDER GRANTING  
DEFENDANTS' MOTION  
TO FILE UNDER SEAL  
(Docket No. 60)

v.

WELLS FARGO BANK, N.A.; WELLS  
FARGO & CO.; PAM RUBIO; and DOES  
1-20,

Defendants.

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Defendants Wells Fargo Bank, N.A., Wells Fargo & Co. and Pam Rubio seek to file under seal in conjunction with their motion for summary judgment six documents that Plaintiffs Yesenia Guitron and Judi Klosek have designated as confidential pursuant to the terms of the Protective Order in this case (Docket No. 60).

Defendants' filings are connected to a dispositive motion. If a document has been designated as confidential by another party, that party must file a declaration establishing that the document is sealable. Civ. Local R. 79-5(d). To establish that the documents are sealable, as the designating party, Plaintiffs "must overcome a strong presumption of access by showing that 'compelling reasons supported by specific factual findings . . . outweigh the general history of access and the public policies favoring disclosure.'" Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 679 (9th Cir. 2010) (citation omitted). This cannot be

1 established simply by showing that the document is subject to a  
2 protective order or by stating in general terms that the material  
3 is considered to be confidential, but rather must be supported by  
4 a sworn declaration demonstrating with particularity the need to  
5 file each document under seal. Civ. Local R. 79-5(a).

6 Plaintiffs have filed a declaration stating that the  
7 documents that Defendants seek to file under seal are Plaintiffs'  
8 personnel records that include performance reviews and records of  
9 disciplinary actions taken against Plaintiffs. Peretz Decl. ¶ 3.  
10 It further argues that public disclosure would violate Plaintiffs'  
11 right to privacy.  
12

13 Plaintiffs have provided sufficient reasons supporting the  
14 sealing of these personnel records. Accordingly, Defendants'  
15 motion for leave to file under seal is GRANTED (Docket No. 60).  
16 Within three days of the date of this order, Defendants shall  
17 electronically file these documents under seal, in accordance with  
18 General Order 62.  
19

20 IT IS SO ORDERED.

21  
22 Dated: 1/3/2012

23   
CLAUDIA WILKEN  
United States District Judge